

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

REBECCA CIMILDORO, et al.	:	
Plaintiffs,	:	CIVIL ACTION
	:	
v.	:	
	:	
METROPOLITAN PROPERTY AND	:	
CASUALTY INSURANCE CO., et al.	:	No. 09-1907
Defendants.	:	

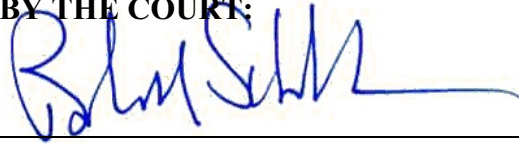
ORDER

AND NOW, this 8th day of **March, 2010**, upon consideration of Defendant Metropolitan Property and Casualty Insurance Company's Motion to Dismiss Counts III, IV, V and VI of Plaintiff's Amended Complaint, Metropolitan's Motion to Strike Plaintiff's January 20, 2010 Jury Demand as to the Amended Complaint, Defendant Mark 1 Restoration Service's Motion to Dismiss Counts V and VI of Plaintiffs' Amended Complaint for Failure to State a Claim Upon Which Relief Can Be Granted, or, in the Alternative, to Strike Plaintiffs' Jury Demand in the Amended Complaint, Plaintiffs' responses thereto, and all replies thereon, and for the reasons stated in this Court's Memorandum dated March 8, 2010, it is hereby **ORDERED** that:

1. Metropolitan's motion to dismiss (Document No. 29) is **GRANTED in part and DENIED in part** as follows:
 - a. The motion is **GRANTED** with respect to Counts III, V, and VI and those counts as to Metropolitan are **DISMISSED**.
 - b. The motion is **DENIED** with respect to Count IV.
2. Metropolitan's motion to strike the jury demand (Document No. 30) is **GRANTED**. This case shall proceed as a bench trial.

3. Mark 1's motion to dismiss (Document No. 31) is **GRANTED**. Counts V, and VI as to Mark 1 are **DISMISSED**.
4. Mark 1's motion to strike jury demand (Document No. 31) is **GRANTED**. This case shall proceed as a bench trial.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Berle M. Schiller', written over a horizontal line.

Berle M. Schiller, J.